

EXHIBIT 2



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Keurig Can Sell 2.0 Brewer During Antitrust MDL, Judge Says

By **David McAfee**

Law360, Los Angeles (September 19, 2014, 9:34 PM ET) -- A New York federal judge on Friday rejected a bid to block Keurig Green Mountain Inc. from selling the latest version of its popular brewing machine because it was allegedly designed to expand a single-serving monopoly, saying the plaintiff didn't show it would suffer irreparably without an injunction.

U.S. District Judge Vernon S. Broderick denied Rogers Family Co.'s motion for a preliminary injunction in the multidistrict litigation against Keurig. Attorneys for Rogers, also called JBR Inc., previously argued that the "Keurig 2.0" machine **should not hit retail shelves** this fall as planned because it features technology that allows it to detect whether a cartridge is one of Keurig's "K-Cups" or is made by a third party that does not have a licensing agreement with the company.

The judge sided with Keurig on the injunction issue Friday, but said the details of the decision are to be kept a secret.

"JBR has not made a clear showing that it is imminently likely to suffer irreparable harm in the absence of preliminary relief," Judge Broderick wrote in a brief, two-page order filed Friday. "A memorandum and order explaining my decision has been filed under seal because it relies upon material that the parties have designated as highly confidential."

The judge denied Rogers' motion for a preliminary injunction to block sales of the Keurig 2.0, which allegedly will not brew unlicensed cartridges, and gave the parties until Sept. 30 to provide proposed redactions to the sealed order. Rogers alleged Keurig officials had hatched an anti-competitive plan in 2012, calling it Project Squid, and that the result was 2.0 machine.

The MDL combined **eight lawsuits** filed against Keurig and parent company Green Mountain Coffee Roasters Inc., which have gained market share in recent years. Lincoln, California-based Rogers claimed Keurig has tried to discourage consumers from buying its OneCup single-serve packs by falsely claiming they may cause the 2.0 machine to fail.

According to the plaintiffs, Keurig's anti-competitive actions have included forcing distributors to enter into exclusive agreements, filing baseless patent infringement lawsuits against competitors, and attempting to dissuade retailers from selling competitors' products.

During a hearing earlier this month, attorneys for Rogers said Costco Wholesale Corp. had refused to sell OneCup packs unless Rogers agreed to put a sticker on the packages warning that they didn't work with the 2.0 machine. The ultimatum was issued about six weeks after a meeting between Costco and Keurig officials, counsel argued.

But Keurig's attorneys said the company didn't come up with that idea. More broadly, they argued that Keurig was not monopolizing the market for single-serving coffee and that technological innovations in the 2.0 machine were actually "pro-competitive."

Forcing Keurig to stop selling the machine and re-engineer it to accept nonlicensed packs would cause undue harm and amount to "unprecedented relief," Keurig's attorney said.

Representatives for the parties didn't immediately return requests for comment late Friday night.

JBR is represented by Daniel Johnson Jr. and Kent M. Roger of Morgan Lewis & Bockius LLP.

Keurig is represented by Lev L. Dassin, George S. Cary and Leah Brannon of Cleary Gottlieb Steen & Hamilton and Wendelynne J. Newton of Buchanan Ingersoll & Rooney.

The MDL is In Re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation, case number 1:14-md-02542, in the United States District Court for the Southern District of New York. The case is JBR Inc. v. Keurig Green Mountain Inc., case number 1:14-cv-04242, in the same court.

--Additional reporting by Vin Gurrieri and Max Stendahl. Editing by Chris Yates.

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